

**Notice of Allowability**

Application No.

09/883,376

Examiner

Thomas H. Stevens

Applicant(s)

ZIMMERMAN, THOMAS GUTHRIE

Art Unit

2123

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/06/2005.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>1/3/05; 6/19/01</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                      | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. Claims 1-31 were examined.

#### ***Section I: Appeal Brief***

2. The arguments by applicants filed 12/06/2005 were persuasive to negate an examiner's answer and withdrawing the final rejection. Furthermore, the examiner's search results were silent on the claim limitations to substantiate a prima facie case argument, thus placing the case in condition for allowance.

#### ***Allowable Subject Matter***

3. Claims 1-31 are allowed.
4. The following is an examiner's statement of reasons for allowance:  
While US Patent 6,750,978 teaches (claim 1) a computer-based system for simulating a real tool in which a computer displays data based upon, said system comprising: a probe device comprising at least a hand-held probe section, said probe device transmitting information of said selected portion to said computer; a computer storage medium, said storage medium retaining multimedia data, said real tool multimedia data; (claim 16) a computer-based system in which electronic media to be presently by a, said system comprising: a hand-held imager; (claim 29) a computer-based method in which a computer displays by a hand-held probe, including a plurality of icons printed thereon, said hand-held probe part is pointing to; determining data synchronized to said location; retrieving said data, pointed to by said hand-held probe part, and displaying

said data, none of these references, taken either alone or in combination, with the prior art of record disclosing,

*(claim 1) "a selected portion of an image printed on an off-line medium data representative of an output of a real tool examining a selected portion of said actual item corresponding to said selected portion of said image, and wherein said computer retrieves real tool data synchronized to said data of said selected portions and displays to simulate a real tool,"*

*(claim 16) "a computing device is synchronized to a selected region of off-line medium data imager detecting a region of said off-line media and transmitting an electronic representation of said region to said computer; a presentation device, said presentation device presenting electronic media, synchronized to said region of off-line media,"*

*(claim 29) "simulating a real tool data based upon a selection of a location of an image printed on an off-line medium each of said icons indicating a different real tool, said method comprising: receiving position information representative of a location of said image printed on said off-line medium said data representative of an output of a real tool examining a location of an actual item corresponding to said location of said image,"*

in combination with the remaining elements and features of the claimed invention. It is for these reasons that the applicants' invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

### ***Correspondence Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

March 14, 2006

TS

  
Paul L. Rodriguez  
Primary Examiner  
Art Unit 2125-2123